

FILED & ENTERED

DEC 19 2022

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY mcall DEPUTY CLERK

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION**

In re

JAMIE LYNN GALLIAN,

Debtor.

Chapter 7

Case No. 8:21-bk-11710-SC

**ORDER GRANTING DEBTOR'S MOTION
FOR RECONSIDERATION OF THE
COURT'S AUGUST 5, 2022 ORDER
SUSTAINING OBJECTION TO
DEBTOR'S HOMESTEAD EXEMPTION**

Date: September 22, 2022

Time: 10:00 a.m.

Place: Courtroom 5A – via zoom

On July 26, 2022, Jamie Lynn Gallian (“Debtor”) filed “Debtors [sic] Notice of and Motion for Reconsideration of 7.21.22 Order Sustaining Houser Bros. Co. DBA Rancho Del Rey Mobile Home Estates [sic] Objection to Debtor’s Claimed Homestead Exemption and Joinder Parties Huntington Beach Gables HOA; Janine Jasso” [dkt # 157] (the “Motion”). Houser Bros. Co. dba Rancho Del Rey Mobile Home Estates (“Houser Bros”) filed a “Response to Debtor’s Notice of and Motion for Reconsideration of 7.21.22 Order Sustaining Houser Bros. Co. DBA Rancho Del Rey Mobile Home Estate’s [sic] Objection to Debtor’s Claimed Homestead Exemption” [dkt # 170] (the “Response”) on August 4,

2022. Jeffrey Golden, the Chapter 7 Trustee (“Trustee”), filed “Trustee’s Joinder in
Houser Bros. Co. DBA Rancho Del Rey Mobile Home Estates’ Response to Debtor’s
Notice of and Motion for Reconsideration of 7.21.22 Order Sustaining Houser Bros. Co.
DBA Rancho Del Rey Mobile Home Estate’s [sic] Objection to Debtor’s Claimed
Homestead Objection” [dkt 171] (the “Trustee’s Joinder”) on August 4, 2022. Also on
August 4, 2022, the Huntington Beach Gables Homeowners Association (the “HOA”) filed
“The Huntington Beach Gables Homeowners Association’s Joinder to Houser Bros. Co.
dba Rancho Del Rey Mobile Home Estates’ Response to Debtor’s Motion for
Reconsideration” [dkt #173] (the “HOA Joinder”). Debtor filed a “Reply to Houser Bros Co
DBA Rancho Del Rey MobileHome [sic] Estates [sic] Opposition to Debtors [sic] Motion
for Consideration [sic] of 7/21/22 Order Sustaining Houser Bros Co DBA Rancho Del Rey
Mobilehome [sic] Estates [sic] Objection to Debtor’s Claimed Homestead Exemption” [dkt
#185] (the “Reply”). The Motion initially came on for hearing before the Honorable Erithe
A. Smith, United States Bankruptcy Judge, on August 18, 2022 at 10:30 a.m. The hearing
was subsequently continued to September 22, 2022 for further oral argument.
Appearances were made as noted on the Court’s record. After the hearing, the matter
was taken under advisement.¹

For the reasons set forth in the Memorandum of Decision Regarding Debtor’s
Motion for Reconsideration of the Court’s August 5, 2022 Order Sustaining the Objection
to Debtor’s Homestead Exemption entered on December 19, 2022 [Dkt. 273], it is hereby
ordered that:

¹ This case was transferred to the Honorable Scott Clarkson on September 1, 2022 due to the retirement of the undersigned, Judge Erithe Smith on October 29, 2022. However, as Judge Smith issued the underlying order sustaining Trustee’s objection to Debtor’s homestead exemption, presided over the hearing on Debtor’s instant motion for reconsideration, and continues to serve as a recalled bankruptcy judge, she has authority and jurisdiction to rule on the motion for reconsideration.


1 1. The Motion is granted under FRCP 59(e) on the basis of manifest
2 error of law and under FRCP 60(b)(6);

3 2. The Court's Homestead Order entered on August 5, 2022 [Dkt. 177] is
4 vacated and, as such, Houser Bros' Homestead Motion is deemed denied; and

5 3. Debtor is entitled to a homestead exemption in the amount of
6 \$600,000 pursuant to Cal. Civ. Proc. Code. §§ 704.720(a) and 704.730(a).
7

8
9 ###

10
11
12
13
14
15
16
17
18
19
20
21
22
23 Date: December 19, 2022


Erithe Smith
United States Bankruptcy Judge